S.B. CIVIL WRIT PETITION NO.4514/2005
(Nathu Singh Vs. The Chief Manager, RSRTC & anr.)

Date of Order :: 11.07.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.S.R.Sharma for the petitioner
Mr.V.K.Mathur for the respondents

This writ petition has been submitted by the petitioner, a driver working with the Rajasthan State Road Transport Corporation for quashing the order dated 27.06.2005 (Annex.2) whereby he has been penalised while imposing a fine of Rs.38,685/- towards the alleged loss suffered by the respondent-Corporation on account of capsizing of the vehicle driven by him. The petitioner has essentially raised the ground that he has been denied adequate opportunity of hearing and that the accident did not occur for any rashness and negligence on his part but the vehicle capsized while saving a cattle on the road.

During the course of submissions, learned counsel for the petitioner made a very fair proposal that though the petitioner has several submissions to make in this writ petition but in the facts and circumstances of the case, he would make payment of reasonable amount to the employer Corporation so as to meet with part of loss suffered by the vehicle due to

accident but the fine so imposed i.e. Rs.38,685/- being highly excessive, the same may be settled to an amount of Rs.15,000/- as according to the Corporation itself, repairing costs were Rs.9,449/- and cost of pulling out the vehicle with crane were Rs.2,500/-. On such a fair proposal made by learned counsel for the petitioner, learned counsel appearing for the respondent-Corporation agreed and submitted that the matter may be brought to finality while modifying the order dated 27.06.2005 substituting the fine of Rs.38,685/- with an amount of Rs.15,000/-.

Having perused the record of the case, this Court is clearly of opinion that the submissions made in consensus by learned counsel for the parties are just and reasonable and deserve to be accepted. Under the impugned order dated 27.06.2005, the respondent Corporation has proceeded to impose an amount of Rs.15,700/- towards so-called loss of working days at the rate of Rs.250/- per day for 63 days and another Rs.10,975/- being the amount of special road tax for 22 days the vehicle remains stranded. In the facts and circumstances of the case, it does not appear appropriate that such an amount ought to have been imposed flatly and in toto upon the petitioner. This Court is of opinion that substitution of an amount of Rs.15,000/- as agreed by the parties shall be

appropriate and justified.

Accordingly, this writ petition is allowed to the extent indicated above; the impugned order dated 27.06.2005 is modified; and the amount of fine of Rs.38,685/- is substituted by an amount of Rs.15,000/-. No costs.

(DINESH MAHESHWARI), J.

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